



# COUNCILOR RYAN R. O'DONNELL

## CITY COUNCIL, WARD 3 CITY OF NORTHAMPTON MASSACHUSETTS

### Snow and Ice – Comparisons to Other Massachusetts Cities

March 15, 2015

#### *I. Differences in Fines*

Town/City	First	Second	Third
Amesbury	\$5	\$10	
Greenfield	\$10	\$25	\$100
Agawam	\$25		
Franklin	\$25		
Holyoke	\$25		
North Adams – (Residential)	\$25		
Springfield	\$25		
Westfield	\$25		
Gardner	\$25	\$50	
Waltham	\$25	\$50	
Watertown	\$25	\$50	
Pittsfield	\$25	\$50	\$100
Revere	\$25	\$50	\$100
Southbridge	\$25	\$50	\$100
Winthrop	\$25	\$50	\$100
Everett	\$25	\$50	\$100 (3 <sup>rd</sup> ); \$300 (4 <sup>th</sup> )
Salem (Snow, not ice)	\$25	\$75	\$100
Brockton	\$50		
Cambridge	\$50		
Chicopee	\$50		
New Bedford	\$50		
Newburyport	\$50		
North Adams (Commercial District)	\$50		
Woburn	\$50		
Easthampton	\$50	\$50	("DPW shall...")
Medford	\$50	\$100	
Somerville	\$50	\$100	\$200
<b>Northampton PROPOSED</b>	<b>\$50</b>	<b>\$100</b>	<b>\$250</b>
Worcester	\$75		
Boston (Residential 16 units or fewer)	\$100		
Lowell	\$100		
Fitchburg	\$100	\$150	\$200
Boston (Residential more than 16 units)	\$150		
Boston (Commercial)	\$250		

### III. Average fines

Out of 55 cities in Massachusetts, not including Northampton, the codes of ordinances or bylaws could be readily found and the fine pertaining to residential properties could be determined for 30 cities. These are the averages, not including mandatory warnings:

First	Second	Third
\$44	\$61	\$122

Of the 13 of those 30 cities that have first violation fines of \$50 or greater, the averages are:

First	Second	Third
\$70	\$100	\$200

This can be slightly misleading since not all of these 30 cities have second and third violations. Only half of the 30 cities have a second violation, and of those, 60% have a third violation. Number of cities with each violation:

# with First	# with Second	# with Third
30	15	9

### IV. Code References

Community	Code
Agawam	Sec 155-10
Amesbury	Sec 400-5; 400-7
Boston	Sec 16-12.16
Braintree	Sec 12-04-090
Brockton	Sec 20-14
Cambridge	Sec 12.16.110
Chicopee	Sec 243-34
Easthampton	Sec 8-41; 6-15
Everett	Sec 17-6; 1-8
Fitchburg	Sec 157-33
Franklin	Sec 147-1; 147-2
Gardner	Sec 567-29; 567-31
Greenfield	Sec 159-16; Sec 159-17
Holyoke	Sec 78-141; Sec 1-10
Leominster	Sec 20-2
Lowell	Sec 243-3; Sec 150
Marlborough	Sec 551-25; 551-26
Medford	Sec 74-114

Community	Code
New Bedford	Sec 22-15
Newburyport	Sec 12-52
Newton	Sec 26-8D
North Adams	Sec 21-12; 29-2
Peabody	Sec 27-71; 27-72
Pittsfield	Sec 20-21; Sec 4 ½ - 2
Revere	Sec 12.04.350
Salem	Sec 38-13
Somerville	Sec 1-11
Southbridge	Sec 7-406; 1-111
Springfield	Sec 322-1; Sec 1-25
Taunton	Sec 20-20
Waltham	Sec 17-23; 1-13
Watertown	Sec 96.26; 96.99
Westfield	Sec 16-14; Sec 1-10
Winthrop	Sec 12.24.010
Woburn	Sec 12-38
Worcester	Sec 12-23

## II. Other Points of Difference

<b>Time given for compliance</b>	Most cities have a 24 hour rule. Some are stricter, as in Worcester (10 hours after snow ceases) and Boston (3 hours, or 3 hours after sunrise.) Many distinguish between night and day: Newburyport specifies 6 hours if snow ceases in the day or 12:00 noon if at night. Somerville specifies 10:00pm for snow ceasing in the day and 10:00am if at night. New Bedford specifies within 4 hours if during the day and 11:00am if at night. In Lowell, if the snow stops after 6:00 pm, it must be removed before 1:00 pm the next day.
<b>Fines amounts</b>	Most cities start small and rarely go beyond \$200 even on subsequent violations, except for Everett, and Boston for certain property types. Boston is currently pursuing a home rule petition to increase maximum fine to \$1,500. ( <i>Boston Globe</i> – March 2, 2015, “Walsh pushes hike in fees for failing to shovel snow.”)
<b>Senior and disabled exemptions</b>	Cambridge has an exemption for low-income seniors and people with disabilities who can document that they are unable to shovel their sidewalks because of physical limitations, and have no other members of their household that are able to do so. Once a Cambridge homeowner is approved for the Program, Recreation Staff of the Department of Human Service Programs will clear the homeowner’s sidewalk.
<b>Warnings</b>	Pittsfield and Watertown require that the first violation is a warning before fines start. Newton is running a trial program until November 2015 with warnings only.
<b>Prohibition types</b>	Salem distinguishes between a first violation penalty of \$25 for snow and \$50 for ice. Some cities seem to only have prohibitions on placing snow and ice in the street, and do not require sidewalk clearing.
<b>Counting violations</b>	Somerville’s ordinance states that “...snow removal violations shall be counted from October 1 through May 1 of the following year.” Easthampton’s violations are counted within three month periods.
<b>Enforcing agents</b>	Cities name a wide range of enforcing agents. For example, Westfield designates the Fire Department and Building Inspector.
<b>Geography</b>	Cities specify certain streets and districts where snow and ice clearing is required, as in Leominster, Gardner, Peabody, Taunton and Waltham. In Woburn, the City takes responsibility for some streets.
<b>Commercial vs. Residential</b>	Cities make distinctions in fines between property types, as in Boston, sometimes tied to zoning districts, as in North Adams.
<b>Other provisions</b>	Braintree seems to alter penalties based on whether an owner tends to shovel manually or uses a snow blower. Marlborough’s fine is “not less than \$2 nor more than \$10 for each offense.” In Easthampton, on the third violation, the DPW is directed to clear the snow and ice.